



Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3700

FW/PK

PATENT
ATTORNEY DOCKET NO.: 049400-5027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Osamu KATO et al.) Confirmation No.: 1776
Application No.: 10/776,637) Group Art Unit: 3767
Filed: February 12, 2004) Examiner: Deanna K. Hall
For: HOLLOW TUBE BODY FOR MEDICAL)
TOOL AND A CATHETER INTO)
WHICH THE HOLLOW TUBE BODY IS)
INCORPORATED)
Mail Stop AF

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop AF
Alexandria, VA 22314

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.116 TRANSMITTAL FORM

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 responding to the Final Office Action dated October 10, 2008.
2. Additional papers enclosed:

Drawings: Formal Informal (Correction)
 Information Disclosure Statement
 Form PTO-1449, _____ references included
 Citations
 Declaration of Biological Deposit
 Others

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00
<input type="checkbox"/> five months	\$ 2,350.00	\$1,175.00

An extension for ____ month(s) has already been secured and the fee paid therefore of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: **\$ 0.00**.

An extension for ____ months has already been secured and the fee paid therefore of \$____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	4	minus	20	0	x \$52 each=	+\$
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$220 each=	+\$
[] First presentation of Multiple dependent claim(s)					\$390.00	+\$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						-\$
TOTAL FEE =						\$ 0.00

6. Fee Payment

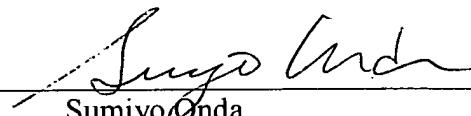
No fee is to be paid at this time.

The Commissioner is hereby authorized to charge \$ for the -month extension of time fee due to Deposit Account No. 50-0310.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
 Sumiyo Onda
 Reg. No. 62,166

Dated: January 9, 2009

CUSTOMER NO. 09629
 MORGAN, LEWIS & BOCKIUS LLP
 1111 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004
 Telephone: (202) 739-3000
 Facsimile: (202) 739-3001



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In response to the Final Office Action dated October 10, 2008, the period for reply
extends through January 10, 2008, entry of the following remarks is respectfully requested to
place the application in clear condition for allowance or, alternatively, in better form for appeal.